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11 JOHN P. WORGUL, State Bar No. 259150

12 *jworgul@veatchfirm.com*

13 Attorneys for Defendant,

14 BRANT BLAKEMAN

15

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

18 CORY SPENCER, an individual; **CASE NO.: 2:16-CV-02129-SJO-RAO**
19 DIANA MILENA REED, an individual; **Hon. S. James Otero, Ctrm. 10C**
20 and COASTAL PROTECTION **Magistrate Judge:**
21 RANGERS, INC., a California non-profit **Hon. Rozella A. Oliver**
22 public benefit corporation,

23 Plaintiffs, **DECLARATION OF RICHARD P.**
24 vs. **DIEFFENBACH IN REPLY TO**
25 LUNADA BAY BOYS; THE **DECLARATION OF VICTOR**
26 INDIVIDUAL MEMBERS OF THE **OTTEN RE:DEFENDANT**
27 LUNADA BAY BOYS, including but not **BLAKEMAN'S MOTION TO**
28 limited to SANG LEE, BRANT **COMPEL ANSWERS TO**
 BLAKEMAN, ALAN JOHNSTON AKA **DISCOVERY**
 JALIAN JOHNSTON, MICHAEL RAE **DATE: January 25, 2017**
 PAPAYANS, ANGELO FERRARA, **TIME: 10:00 a.m.**
 FRANK FERRARA, CHARLIE **CTRM: F**
 FERRARA, and N.F.; CITY OF PALOS **Action Commenced: 3/29/2016**
 VERDES ESTATES; CHIEF OF **Discovery Cutoff: 8/17/17**
 POLICE JEFF KEPLEY, in his **Pretrial Conf.: 10/23/17**
 representative capacity; and DOES 1-10, **Trial Date: 11/7/2017**

29 Defendants.

1 I, Richard P. Dieffenbach, declare and say:

2 1. I am an attorney at law licensed by the State of California, a member of the bar of
3 this court, and am a Senior Trial Attorney with Veatch Carlson LLP, attorneys for
4 Defendant Brant Blakeman in this action.

5 2. On Saturday January 21, 2017 at about 10:27 PM Mr. Otten filed a document that
6 was listed as:

7 **NOTICE OF MOTION AND MOTION for Hearing response motion to compel, re: Text
8 Only Scheduling Notice, [203], filed by Plaintiff Coastal Protection Rangers, Inc.. Motion
9 set for hearing on 1/25/2017 at 10:00 AM before Magistrate Judge Rozella A. Oliver.
10 (Attachments: # (1) Exhibit 1, # (2) Exhibit Exhibit 2, # (3) Exhibit Exhibit 3, # (4) Exhibit
11 Exhibit 4, # (5) Exhibit Exhibit 5, # (6) Exhibit Exhibit 6, # (7) Exhibit Exhibit 7)(Otten,
Victor)**

12 3. Docket number 208 was actually a declaration filed by Plaintiff's counsel Victor
13 Otten. The declaration is in reference to Defendant Brant Blakeman's motion to compel
14 Plaintiffs to respond to interrogatories and production requests. Despite the Court
15 Ordering the parties to file a Joint Status Update by both parties counsel no later than
16 January 18, 2017 (See Dkt. 158), and Mr. Otten being unwilling to provide a portion of
17 any such status update to be jointly filed, it is appears this is his attempt to belatedly
18 comply with the Court's order.

19 4. This declaration responds to the statements made in the declaration of Mr. Otten
20 filed with the court January 21, 2017 and is provided to clarify the truth of the
21 circumstances, which Mr. Otten mischaracterizes.

22 5. On January 4, 2017 a meet and confer session, as ordered by the Court was
23 scheduled by email. (See Exhibits 1 & 2 that comprise email chains where Mr. Otten
24 agreed to attend.) Other counsel sought to attend as there were potential issues that
25 would be similar in nature to disputes they may have with plaintiff. (See Exhibit 3 that
26 comprises and email chain providing a conference call number to counsel and Mr.
27 Fields, counsel to Defendant Angelo Ferrara and N.F. requesting to attend.).

1 6. Mr. Otten expressly disagreed with the participation of any other counsel in the
 2 meet and confer session. (See Exhibit 4 comprising an email chain where Mr. Otten
 3 states “The only thing being discussed this morning is the court ordered meet and
 4 confer related to Mr. Blakeman's discovery motion. I am not engaging in discussions
 5 with any counsel other attorneys for Mr. Blakeman regarding the motion we are
 6 conferring about.”) This is despite the obvious fact that Mr. Blakeman's discovery
 7 request and the issues presented by this discovery dispute would have broad application
 8 to other counsel and one would expect resolution of this dispute may affect many other
 9 parties who may also pursue similar discovery to determine the witnesses and
 10 documents that support Plaintiffs' various claims against them.

11 7. The meeting was attended by myself, John Worgul, Robert Cooper, Laura Bell
 12 (telephonically), Mark Fields (telephonically) and Victor Otten. Mr. Otten's colleagues
 13 were provided the call in the number and were welcome to attend if they desired. As
 14 typical with discovery disputes, only Mr. Otten attended or addressed the issues in the
 15 meet and confer process.

16 8. At paragraph 6, page 3, lines 12-13, Mr. Otten misstates what he represented at
 17 the meet and confer session of January 4: He did not say he would “try” to supplement
 18 the responses by January 11, he said he would supplement them within a week of our
 19 January 4 meeting. I confirmed with him we would have the responses in hand by
 20 January 10, 2017. Written confirmation of the agreement was done by email the same
 21 day, January 4, 2017, at 6:19 PM. (See Dkt. 201, p. 3.) Mr. Otten never disputed
 22 receipt of this email or the contents of it documenting the agreement reached at the meet
 23 and confer session and despite being aware of this Court's Order that a Joint Status
 24 Update be filed by January 18, 2017.

25 9. Defendant Blakeman's attorneys had sought to have the supplemental responses
 26 in hand by January 10, 2017 to determine if a dispute still remained and to reasonably
 27 comply with the Court's Order requiring a Joint Status Update being filed by January
 28

1 18, 2017. If responses were received by that time Defendant Blakeman would have had
2 the benefit of analyzing the responses to see if a dispute still remained or not in advance
3 of filing the Court Ordered Joint Status Update. No responses were sent before January
4 10, 2017 let alone in a manner to be received in advance of the filing of the Joint Status
5 Update.

6 10. Regarding my email to Mr. Otten, on January 12, 2017 providing a draft Joint
7 Status update he complains that this email was not sent to his colleagues. This ignores
8 that the meet and confer session was requested by me, to all counsel, and a call in
9 number was provided to any who wished to participate. On Plaintiffs' behalf only Mr.
10 Otten responded, and only he showed up or otherwise participated. He was the person
11 who would respond for Plaintiffs. He was the person who made the agreement to do so.
12 He was the appropriate person to whom the confirming email was sent as well as the
13 proposed Joint Status Update. There was no need to send anyone else the
14 documentation. It's notable that this Court ordered a Joint Status Update by both
15 parties' counsels and Mr. Otten, or any other of Plaintiffs' counsel, offers no reason,
16 excuse, or justification for not providing input or information to be provided for the
17 Joint Status Update to be filed by January 18, 2017.

18 11. Mr. Otten makes reference to being engaged in trial for January 18, 2017 in
19 paragraph 8 of his declaration and to my knowledge of such circumstances. This is
20 false as he never had informed me of a trial he was engaged in. If Mr. Otten was aware
21 he would be engaged in trial preparation at a time that would conflict with his abilities
22 to address the Court's Order he could engage the help of the one of more than 150
23 attorneys at his co-counsels office at the firm of Hanson and Bridget, or the help of his
24 own associate at his firm. I note there is no reference to a case name, number, or court
25 for the trial he claims interfered with his ability to perform his agreed supplementation.
26 Such information is typically provided to substantiate a trial attorney's excuse for
27 neglecting his responsibilities in another matter.

1 12. Mr. Otten complains that he is from a small firm of two attorneys working on
2 this case for a pro bono circumstances. Presumably Mr. Otten will deny in open court
3 on the record any interest he may have in the Plaintiffs' claims for damages in excess of
4 \$50,000,000.00 being sought against the various defendants or attorneys fees he may
5 seek in the matter.

6 13. Mr. Otten offered evidence of his ability to serve as counsel (See Dkt. 159-3,
7 para. 1 and 25) yet he does not offer any evidence that he attempted to comply with this
8 Court's Order for the parties to submit a Joint Status Update. He offers nothing he did
9 to try comply with this Court's Order. Ignoring the order is unexcused.

10 14. Mr. Otten's statement that "I had never seen this email" (See Dkt. 208 p.3 ln.
11 21-22.) only indicates he does not read his emails. The motion was filed December 7,
12 2016 the email did not exist until more than month later. This also does not relieve Mr.
13 Otten of the Court Order this Court provided all parties notice of to have a Joint Status
14 Update filed by January 18, 2017.

15 15. Regarding the supplementation itself, the post mark indicates Plaintiff Cory
16 Spencer and Costal Protection Rangers responses were marked on January 14, 2017.
17 This was the Saturday before the Martin Luther King, Jr. Holiday, which was celebrated
18 on January 16, 2017. Plaintiff Reed's responses were overnight mailed on January 19,
19 2017. (See Exhibit 4 and 5.) The responses were not received in our office until
20 January 20, 2017 when they were routed through mailing and provided to the attorneys
21 working on this matter. Mr. Otten's representations are at odds with the facts as to how
22 the responses were sent and the date of the Martin Luther King Jr. holiday. (See Dkt.
23 208 p.3 ln 4-7.)

24 16. The methods plaintiffs employed in sending the supplemental responses did not
25 comport with acting in good faith to resolve or narrow this discovery dispute.
26 Plaintiffs' counsels' actions continue to be wrought with gamesmanship and delay.

27 17. The responses Mr. Otten references were late, incomplete (notably no contact

1 information is provided any witness and no documents were produced), and still
 2 awaiting further analysis by my office (which may have been done if they were
 3 received on January 10, 2017 as Mr. Otten agreed to do). To the extent they have been
 4 reviewed, they include unsubstantiated allegations and vague speculative references,
 5 such as, in response to the specific question request to identify witnesses to the
 6 nefarious charge of the complaint of Mr. Blakeman selling drugs, the only witness is
 7 someone named “the Weasel”.(!) What the responses lack in substance they make up
 8 for in duplication and pagination, being over 90 pages of repetition.

9 18. Mr. Otten’s discussion of Alan Johnston’s cell phone as a means of distracting
 10 from the issues raised in this motion is a sleight of hand maneuver by which he attempts
 11 to create some conspiracy theory argument from whole cloth. Mr. Johnston’s cell
 12 phone is irrelevant to the Blakeman motion or to Mr. Otten’s and his clients’ failure to
 13 provide discovery. Plaintiffs’ discovery obligations are not contingent in some way on
 14 their contentions as to what any other party does or does not do.

15 19. Mr. Otten’s suggestion that Blakeman’s Rule 26 disclosures disclosing the
 16 documents Blakeman possessed was somehow lacking is also not pertinent to this
 17 motion. The documents were identified as required by Rule 26. Had Plaintiffs wanted
 18 them to be produced a request for production would be the means of seeking them.
 19 Plaintiffs’ delay in making that request is surely not defendants’ fault. Once requested
 20 though, the documents were produced.

21 20. As anticipated, Plaintiffs delayed supplementing their discovery despite Mr.
 22 Otten’s promise to do so. The delay deprived Blakeman and his counsel of responses
 23 which further illuminate the absence of any actual basis to support the Plaintiffs’ motion
 24 for class certification. The delay occurred despite Blakeman’s counsel’s efforts to
 25 resolve the issues informally and in a timely manner. Regrettably, the prejudice to Mr.
 26 Blakeman and to the full ventilation of the class certification issues caused by the
 27 unapologetic delay necessitated the court’s involvement.

1 21. I request that the Court rule on the motion and provide appropriate relief. In
2 doing so it should be noted that Rule 56 motions will likely be sought based on the
3 nature of the discovery requests and the relief this Court provides.
4

5 I declare under penalty of perjury under the laws of the United States that the
6 foregoing is true and correct and personally known to me and if called as a witness I
7 could and would competently so testify.
8

9 Executed this January 23, 2017, at Los Angeles, California.
10

11 By: /s/ Richard P. Dieffenbach
12 Richard P. Dieffenbach
13 Declaran
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EXHIBIT 1

John Worgul

From: Richard P. Dieffenbach
Sent: Tuesday, January 03, 2017 3:00 PM
To: Samantha Wolff; Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Will we see you at 11 tomorrow in our office for the court ordered meet and confer?

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Tuesday, January 03, 2017 1:31 PM
To: Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Mark (and all),

Our apologies for the oversight. Attached are both experts' CVs. We will also be filing an errata to correct this error.

Sincerely,
Samantha

From: Mark C. Fields [mailto:fields@MARKFIELDSLAW.COM]
Sent: Monday, January 2, 2017 5:42 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephilipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Plaintiffs' Counsel:

The Declarations of Philip King (Dkt. # 159-7) and Peter Neushul (Dkt. # 159-8) both reference that their curriculum vitae is attached as Exhibit 1. However, neither Declaration attaches an Exhibit 1. Please forward the curriculum vitae for those individuals at your earliest convenience.

Regards, Mark Fields

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com
Skype: markfields777

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From: Samantha Wolff [<mailto:SWolff@hansonbridgett.com>]
Sent: Friday, December 23, 2016 8:44 AM
To: John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark C. Fields <fields@MARKFIELDLAW.COM>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Please forward a copy of the proof of service from your process server.

Mr. Taloa will rearrange his travel plans to accommodate your office. But please note that we did not set his

deposition initially and it was not our obligation to consult with your office as to your availability for a deposition that was noticed by your co-counsel. We expect counsel for all defendants to coordinate amongst yourselves in that regard.

Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 4:27 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>;
Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox
<Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr.
<Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray
<HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt)
<pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart
<JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin
<kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell
<lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>;
Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach
<RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey
<RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips
<tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten
<vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Ms. Wolf:

We appreciate your below email. A copy of the subpoena is attached although it is only the copy that was provided to our process server. I do not have a copy of the fees at this time and I understand Mr. Taloa was served this morning.

While we appreciate Mr. Taloa is allegedly traveling on January 5, 2017 my client also has very serious allegations that have been levied against him and there is a class certification motion that is upcoming. I also appreciate that you *may* make Mr. Taloa available for deposition but it is also my understanding that the City has been seeking his deposition since October and plaintiffs failed to provide dates for his deposition until recently. As you may be aware an attorney accepting a subpoena does not necessarily make a subpoena enforceable and in fact subpoenas typically only are enforceable when personally served upon a third party.

Please further note that no person ever consulted with our office if December 29, 2016 was a date that was available for us. I do not know if you even consulted with any other defendant other than the City as to the availability of this date. That date is notably not available for us and we cannot accommodate it. Mr. Taloa, per my understanding, was also not under subpoena for that date either and the City is agreeable to proceeding on January 5, 2016.

Should Mr. Taloa fail to appear for deposition on January 5, 2016 we will seek that he be compelled to appear for deposition and also seek the exclusion of any evidence Mr. Taloa may provide in support of plaintiffs' case. There may be alternative ways to address Mr. Taloa's location and availability during that time or potentially another date during that week or the next that we may be able to accommodate. If you desire to change the dates or potentially some other way to accommodate Mr. Taloa *that does not prejudice my client's defense* I am open to listening to your suggestions. Unless we have reached an agreement to proceed in some other manner though we expect Mr. Taloa to appear for his deposition and will proceed as stated.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]

Sent: Thursday, December 15, 2016 3:54 PM

To: John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Mark Fields; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob

Cc: Arlene Black; Christina Rodriguez

Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Mr. Taloa is traveling the first week of January and is not available for a deposition on January 5th. He remains available for deposition on December 29th or we can look for alternative dates after January 9th if you'd prefer.

In the future, we would appreciate it if you would consult with us regarding the convenience of deposition dates—as we've done in this matter and as the City had done in noticing Mr. Taloa's deposition for December 29—before serving any notices or subpoenas. If you had done so, we would have advised you regarding Mr. Taloa's unavailability and also would have agreed to accept service of the subpoena on his behalf since, as you know, we represent him. In that regard, please provide us with a copy of the subpoena, as well as any fees tendered, which was served on Mr. Taloa's home early this morning.

Sincerely,
Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]

Sent: Thursday, December 15, 2016 11:43 AM

To: Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert

Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Samantha Wolff <SWolff@hansonbridgett.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Counsel:

Please be advised that Mr. Taloa was served with a subpoena for appearance at deposition for the date of January 5, 2017, at my office. Attached is the deposition notice associated with that date and time. The notice will be served by mail today.

Please advise if you intend to attend and if your appearance will be in person or telephonically. Please also include Ms. Black and Ms. Rodriguez on any replies to this email.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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EXHIBIT 2

John Worgul

From: Richard P. Dieffenbach
Sent: Tuesday, January 03, 2017 4:14 PM
To: Victor Otten
Cc: Samantha Wolff; Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Thanks

From: Victor Otten [mailto:vic@ottenlawpc.com]
Sent: Tuesday, January 03, 2017 4:13 PM
To: Richard P. Dieffenbach
Cc: Samantha Wolff; Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: Re: Spencer v. Lunada Bay Boys

Tomorrow at 11 is fine

Sent from my iPhone

On Jan 3, 2017, at 3:00 PM, Richard P. Dieffenbach <RDieffenbach@veatchfirm.com> wrote:

Will we see you at 11 tomorrow in our office for the court ordered meet and confer?

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Tuesday, January 03, 2017 1:31 PM
To: Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Mark (and all),

Our apologies for the oversight. Attached are both experts' CVs. We will also be filing an errata to correct this error.

Sincerely,
Samantha

From: Mark C. Fields [<mailto:fields@MARKFIELDSLAW.COM>]
Sent: Monday, January 2, 2017 5:42 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Plaintiffs' Counsel:

The Declarations of Philip King (Dkt. # 159-7) and Peter Neushul (Dkt. # 159-8) both reference that their curriculum vitae is attached as Exhibit 1. However, neither Declaration attaches an Exhibit 1. Please forward the curriculum vitae for those individuals at your earliest convenience.

Regards, Mark Fields

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com
Skype: markfields777

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Sent: Friday, December 23, 2016 8:44 AM
To: John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley

<dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark C. Fields <fields@MARKFIELDSLAW.COM>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Please forward a copy of the proof of service from your process server.

Mr. Taloa will rearrange his travel plans to accommodate your office. But please note that we did not set his deposition initially and it was not our obligation to consult with your office as to your availability for a deposition that was noticed by your co-counsel. We expect counsel for all defendants to coordinate amongst yourselves in that regard.

Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 4:27 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Ms. Wolf:

We appreciate your below email. A copy of the subpoena is attached although it is only the copy that was provided to our process server. I do not have a copy of the fees at this time and I

understand Mr. Taloa was served this morning.

While we appreciate Mr. Taloa is allegedly traveling on January 5, 2017 my client also has very serious allegations that have been levied against him and there is a class certification motion that is upcoming. I also appreciate that you *may* make Mr. Taloa available for deposition but it is also my understanding that the City has been seeking his deposition since October and plaintiffs failed to provide dates for his deposition until recently. As you may be aware an attorney accepting a subpoena does not necessarily make a subpoena enforceable and in fact subpoenas typically only are enforceable when personally served upon a third party.

Please further note that no person ever consulted with our office if December 29, 2016 was a date that was available for us. I do not know if you even consulted with any other defendant other than the City as to the availability of this date. That date is notably not available for us and we cannot accommodate it. Mr. Taloa, per my understanding, was also not under subpoena for that date either and the City is agreeable to proceeding on January 5, 2016.

Should Mr. Taloa fail to appear for deposition on January 5, 2016 we will seek that he be compelled to appear for deposition and also seek the exclusion of any evidence Mr. Taloa may provide in support of plaintiffs' case. There may be alternative ways to address Mr. Taloa's location and availability during that time or potentially another date during that week or the next that we may be able to accommodate. If you desire to change the dates or potentially some other way to accommodate Mr. Taloa that does not prejudice my client's defense I am open to listening to your suggestions. Unless we have reached an agreement to proceed in some other manner though we expect Mr. Taloa to appear for his deposition and will proceed as stated.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]

Sent: Thursday, December 15, 2016 3:54 PM

To: John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Mark Fields; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob

Cc: Arlene Black; Christina Rodriguez

Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Mr. Taloa is traveling the first week of January and is not available for a deposition on January 5th. He remains available for deposition on December 29th or we can look for alternative dates after

January 9th if you'd prefer.

In the future, we would appreciate it if you would consult with us regarding the convenience of deposition dates—as we've done in this matter and as the City had done in noticing Mr. Taloa's deposition for December 29—before serving any notices or subpoenas. If you had done so, we would have advised you regarding Mr. Taloa's unavailability and also would have agreed to accept service of the subpoena on his behalf since, as you know, we represent him. In that regard, please provide us with a copy of the subpoena, as well as any fees tendered, which was served on Mr. Taloa's home early this morning.

Sincerely,
Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 11:43 AM
To: Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Samantha Wolff <SWolff@hansonbridgett.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Counsel:

Please be advised that Mr. Taloa was served with a subpoena for appearance at deposition for the date of January 5, 2017, at my office. Attached is the deposition notice associated with that date and time. The notice will be served by mail today.

Please advise if you intend to attend and if your appearance will be in person or telephonically. Please also include Ms. Black and Ms. Rodriguez on any replies to this email.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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EXHIBIT 3

John Worgul

From: Richard P. Dieffenbach
Sent: Wednesday, January 04, 2017 10:36 AM
To: Mark C. Fields; Victor Otten
Cc: Samantha Wolff; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

The conference call in for this is:

213-404-1177 and then conference ID number is 1154#

If you don't get connected call the main number 213-381-2861 and we will figure it out.

Call at 11 a.m.

Thanks.

From: Mark C. Fields [mailto:fields@MARKFIELDSLAW.COM]
Sent: Wednesday, January 04, 2017 10:14 AM
To: Richard P. Dieffenbach; Victor Otten
Cc: Samantha Wolff; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Richard,

Please remember to circulate the dial-in #.

Thanks, Mark

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com
Skype: markfields777

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the email address above. Thank you.

From: Richard P. Dieffenbach [mailto:RDieffenbach@veatchfirm.com]
Sent: Tuesday, January 03, 2017 4:23 PM
To: Mark C. Fields <fields@MARKFIELDSLAW.COM>; Victor Otten <vic@ottenlawpc.com>
Cc: Samantha Wolff <SWolff@hansonbridgett.com>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandan <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Song, Jacob <Jacob.Song@KutakRock.com>; Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>; Ann D. Ghiorso <aghiorso@hansonbridgett.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>
Subject: RE: Spencer v. Lunada Bay Boys

No problem. We can have a conference call number set up and will notify all of the conference call info tomorrow morning.

From: Mark C. Fields [mailto:fields@MARKFIELDSLAW.COM]
Sent: Tuesday, January 03, 2017 4:20 PM
To: Victor Otten; Richard P. Dieffenbach
Cc: Samantha Wolff; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Richard:

My understanding is that the parties who are required to meet and confer are counsel for Blakeman and counsel for the Plaintiffs. However, since there are likely to be similar discovery issues involving other Defendants, I would like to also attend. Since the Order doesn't require my attendance, I would like to attend telephonically. Would you mind if myself and other defense counsel attended telephonically?

Regards, Mark

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com

Skype: markfields777

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Sent: Tuesday, January 03, 2017 4:13 PM

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Cc: Samantha Wolff <SWolff@hansonbridgett.com>; Mark C. Fields <fields@MARKFIELDSLAW.COM>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandan <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Song, Jacob <Jacob.Song@KutakRock.com>; Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>; Ann D. Ghiorso <aghiorso@hansonbridgett.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>

Subject: Re: Spencer v. Lunada Bay Boys

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Sent from my iPhone

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Subject: RE: Spencer v. Lunada Bay Boys

Mark (and all),

Our apologies for the oversight. Attached are both experts' CVs. We will also be filing an errata to

correct this error.

Sincerely,
Samantha

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Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Plaintiffs' Counsel:

The Declarations of Philip King (Dkt. # 159-7) and Peter Neushul (Dkt. # 159-8) both reference that their curriculum vitae is attached as Exhibit 1. However, neither Declaration attaches an Exhibit 1. Please forward the curriculum vitae for those individuals at your earliest convenience.

Regards, Mark Fields

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From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Friday, December 23, 2016 8:44 AM
To: John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark C. Fields <fields@MARKFIELDSLAW.COM>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Please forward a copy of the proof of service from your process server.

Mr. Taloa will rearrange his travel plans to accommodate your office. But please note that we did not set his deposition initially and it was not our obligation to consult with your office as to your availability for a deposition that was noticed by your co-counsel. We expect counsel for all defendants to coordinate amongst yourselves in that regard.

Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 4:27 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>

Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Ms. Wolf:

We appreciate your below email. A copy of the subpoena is attached although it is only the copy that was provided to our process server. I do not have a copy of the fees at this time and I understand Mr. Taloa was served this morning.

While we appreciate Mr. Taloa is allegedly traveling on January 5, 2017 my client also has very serious allegations that have been levied against him and there is a class certification motion that is upcoming. I also appreciate that you *may* make Mr. Taloa available for deposition but it is also my understanding that the City has been seeking his deposition since October and plaintiffs failed to provide dates for his deposition until recently. As you may be aware an attorney accepting a subpoena does not necessarily make a subpoena enforceable and in fact subpoenas typically only are enforceable when personally served upon a third party.

Please further note that no person ever consulted with our office if December 29, 2016 was a date that was available for us. I do not know if you even consulted with any other defendant other than the City as to the availability of this date. That date is notably not available for us and we cannot accommodate it. Mr. Taloa, per my understanding, was also not under subpoena for that date either and the City is agreeable to proceeding on January 5, 2016.

Should Mr. Taloa fail to appear for deposition on January 5, 2016 we will seek that he be compelled to appear for deposition and also seek the exclusion of any evidence Mr. Taloa may provide in support of plaintiffs' case. There may be alternative ways to address Mr. Taloa's location and availability during that time or potentially another date during that week or the next that we may be able to accommodate. If you desire to change the dates or potentially some other way to accommodate Mr. Taloa *that does not prejudice my client's defense* I am open to listening to your suggestions. Unless we have reached an agreement to proceed in some other manner though we expect Mr. Taloa to appear for his deposition and will proceed as stated.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Thursday, December 15, 2016 3:54 PM
To: John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Mark Fields; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez

Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Mr. Taloa is traveling the first week of January and is not available for a deposition on January 5th. He remains available for deposition on December 29th or we can look for alternative dates after January 9th if you'd prefer.

In the future, we would appreciate it if you would consult with us regarding the convenience of deposition dates—as we've done in this matter and as the City had done in noticing Mr. Taloa's deposition for December 29—before serving any notices or subpoenas. If you had done so, we would have advised you regarding Mr. Taloa's unavailability and also would have agreed to accept service of the subpoena on his behalf since, as you know, we represent him. In that regard, please provide us with a copy of the subpoena, as well as any fees tendered, which was served on Mr. Taloa's home early this morning.

Sincerely,
Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 11:43 AM
To: Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Samantha Wolff <SWolff@hansonbridgett.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Counsel:

Please be advised that Mr. Taloa was served with a subpoena for appearance at deposition for the date of January 5, 2017, at my office. Attached is the deposition notice associated with that date and time. The notice will be served by mail today.

Please advise if you intend to attend and if your appearance will be in person or telephonically. Please also include Ms. Black and Ms. Rodriguez on any replies to this email.

Sincerely,

John P. Worgul, Esq.

Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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John Worgul

From: Victor Otten [vic@ottenlawpc.com]
Sent: Wednesday, January 04, 2017 11:05 AM
To: John Worgul
Cc: Laura L. Bell; Mark C. Fields; Richard P. Dieffenbach; Samantha Wolff; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: Re: Spencer v. Lunada Bay Boys

I am not sure the purpose of the call in number. The only thing being discussed this morning is the court ordered meet and confer related to Mr. Blakemans discovery motion. I am not engaging in discussion with any counsel other attorneys for Mr. Blakeman regarding the motion we are conferring about.

Sent from my iPhone

On Jan 4, 2017, at 10:31 AM, John Worgul <JWorgul@veatchfirm.com> wrote:

Dial in: 213-404-1177
Conference ID is 1154#

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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From: Laura L. Bell [<mailto:lbell@bremerwhyte.com>]
Sent: Wednesday, January 04, 2017 10:16 AM
To: Mark C. Fields
Cc: Richard P. Dieffenbach; Victor Otten; Samantha Wolff; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: Re: Spencer v. Lunada Bay Boys

What is the dial in #?

Sent from my iPhone

On Jan 4, 2017, at 10:13 AM, Mark C. Fields <fields@MARKFIELDSLAW.COM> wrote:

Richard,

Please remember to circulate the dial-in #.

Thanks, Mark

Mark C. Fields

Law Offices of Mark C. Fields, APC

333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071

Voice: 213.617.5225 Fax: 213.629.4520

E-Mail: fields@markfieldslaw.com

Skype: markfields777

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From: Richard P. Dieffenbach [mailto:RDieffenbach@veatchfirm.com]
Sent: Tuesday, January 03, 2017 4:23 PM
To: Mark C. Fields <fields@MARKFIELDSLAW.COM>; Victor Otten <vic@ottenlawpc.com>
Cc: Samantha Wolff <SWolff@hansonbridgett.com>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandan <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Song, Jacob <Jacob.Song@KutakRock.com>;

Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodiguez@veatchfirm.com>; Ann D. Ghiorso <aghiorso@hansonbridgett.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>
Subject: RE: Spencer v. Lunada Bay Boys

No problem. We can have a conference call number set up and will notify all of the conference call info tomorrow morning.

From: Mark C. Fields [<mailto:fields@MARKFIELDSLAW.COM>]
Sent: Tuesday, January 03, 2017 4:20 PM
To: Victor Otten; Richard P. Dieffenbach
Cc: Samantha Wolff; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr.; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Laura Bell; Patrick Au; Peter Crossin; Peter Haven (Alt); Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Song, Jacob; Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Richard:

My understanding is that the parties who are required to meet and confer are counsel for Blakeman and counsel for the Plaintiffs. However, since there are likely to be similar discovery issues involving other Defendants, I would like to also attend. Since the Order doesn't require my attendance, I would like to attend telephonically. Would you mind if myself and other defense counsel attended telephonically?

Regards, Mark

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com
Skype: markfields777

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From: Victor Otten [<mailto:vic@ottenlawpc.com>]
Sent: Tuesday, January 03, 2017 4:13 PM
To: Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>

Cc: Samantha Wolff <SWolff@hansonbridgett.com>; Mark C. Fields <fields@MARKFIELDSLAW.COM>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandan <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Song, Jacob <Jacob.Song@KutakRock.com>; Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>; Ann D. Ghiorso <aghiorso@hansonbridgett.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>

Subject: Re: Spencer v. Lunada Bay Boys

Tomorrow at 11 is fine

Sent from my iPhone

On Jan 3, 2017, at 3:00 PM, Richard P. Dieffenbach <RDieffenbach@veatchfirm.com> wrote:

Will we see you at 11 tomorrow in our office for the court ordered meet and confer?

From: Samantha Wolff [<mailto:SWolff@hansonbridgett.com>]
Sent: Tuesday, January 03, 2017 1:31 PM
To: Mark C. Fields; John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez; Ann D. Ghiorso; Ambra S. Jackson
Subject: RE: Spencer v. Lunada Bay Boys

Mark (and all),

Our apologies for the oversight. Attached are both experts' CVs. We will also be filing an errata to correct this error.

Sincerely,

Samantha

From: Mark C. Fields [mailto:fields@MARKFIELDSLAW.COM]
Sent: Monday, January 2, 2017 5:42 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; John Worgul <JWorgul@veatchfirm.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Plaintiffs' Counsel:

The Declarations of Philip King (Dkt. # 159-7) and Peter Neushul (Dkt. # 159-8) both reference that their curriculum vitae is attached as Exhibit 1. However, neither Declaration attaches an Exhibit 1. Please forward the curriculum vitae for those individuals at your earliest convenience.

Regards, Mark Fields

Mark C. Fields
Law Offices of Mark C. Fields, APC
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA
90071
Voice: 213.617.5225 Fax: 213.629.4520
E-Mail: fields@markfieldslaw.com

Skype: markfields777

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Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Please forward a copy of the proof of service from your process server.

Mr. Taloa will rearrange his travel plans to accommodate your office. But please note that we did not set his deposition initially and it was not our obligation to consult with your office as to your availability for a deposition that was noticed by your co-counsel. We expect counsel for all defendants to coordinate amongst yourselves in that regard.

Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 4:27 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>; Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: RE: Spencer v. Lunada Bay Boys

Ms. Wolf:

We appreciate your below email. A copy of the subpoena is attached although it is only the copy that was provided to our process server. I do not have a copy of the fees at this time and I understand Mr. Taloa was served this morning.

While we appreciate Mr. Taloa is allegedly traveling on January 5, 2017 my client also has very serious allegations that have been levied against him and there is a class certification motion that is upcoming. I also appreciate that you *may* make Mr. Taloa available for deposition but it is also my understanding that the City has been seeking his deposition since October and plaintiffs failed to provide dates for his deposition until recently. As you may be aware an attorney accepting a subpoena does not necessarily make a subpoena enforceable and in fact subpoenas typically only are enforceable when personally served upon a third party.

Please further note that no person ever consulted with our office if December 29, 2016 was a date that was available for us. I do not know if you even consulted with any other defendant other than the City as to the availability of this date. That date is notably not available for us and

we cannot accommodate it. Mr. Taloa, per my understanding, was also not under subpoena for that date either and the City is agreeable to proceeding on January 5, 2016.

Should Mr. Taloa fail to appear for deposition on January 5, 2016 we will seek that he be compelled to appear for deposition and also seek the exclusion of any evidence Mr. Taloa may provide in support of plaintiffs' case. There may be alternative ways to address Mr. Taloa's location and availability during that time or potentially another date during that week or the next that we may be able to accommodate. If you desire to change the dates or potentially some other way to accommodate Mr. Taloa that does not prejudice my client's defense I am open to listening to your suggestions. Unless we have reached an agreement to proceed in some other manner though we expect Mr. Taloa to appear for his deposition and will proceed as stated.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Thursday, December 15, 2016 3:54 PM
To: John Worgul; Reeves, Danielle E.; Audrey Olsen; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward, Jr. ; Eric Kizirian; Heather Gray; J. Patrick Carey; J. Patrick Carey (Alt); Jennifer A. Foldvary; John E. Stobart; Kavita Tekchandani; Kurt A. Franklin; Landon D. Bailey; Laura Bell ; Mark Fields; Patrick Au; Peter Crossin; Peter Haven (Alt); Richard P. Dieffenbach; Robert Cooper; Rob Mackey; Tera Lutz; Thomas M. Phillips; Tyson M. Shower; Victor Otten; Song, Jacob
Cc: Arlene Black; Christina Rodriguez
Subject: RE: Spencer v. Lunada Bay Boys

Counsel,

Mr. Taloa is traveling the first week of January and is not available for a deposition on January 5th. He remains available for deposition on December 29th or we can look for alternative dates after January 9th if you'd prefer.

In the future, we would appreciate it if you would consult with us regarding the convenience of deposition dates—as we've done in this

matter and as the City had done in noticing Mr. Taloa's deposition for December 29—before serving any notices or subpoenas. If you had done so, we would have advised you regarding Mr. Taloa's unavailability and also would have agreed to accept service of the subpoena on his behalf since, as you know, we represent him. In that regard, please provide us with a copy of the subpoena, as well as any fees tendered, which was served on Mr. Taloa's home early this morning.

Sincerely,
Samantha

From: John Worgul [mailto:JWorgul@veatchfirm.com]
Sent: Thursday, December 15, 2016 11:43 AM
To: Reeves, Danielle E. <Danielle.Reeves@KutakRock.Com>; Audrey Olsen <aolson@buchalter.com>; Caroline Lee <CLee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward, Jr. <Edward.Ward@lewisbrisbois.com>; Eric Kizirian <Eric.Kizirian@lewisbrisbois.com>; Heather Gray <HGray@veatchfirm.com>; J. Patrick Carey <pat@patcareylaw.com>; J. Patrick Carey (Alt) <pat@southbaydefenselawyer.com>; Jennifer A. Foldvary <JFoldvary@hansonbridgett.com>; John E. Stobart <JStobart@veatchfirm.com>; Kavita Tekchandani <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon D. Bailey <LBailey@hansonbridgett.com>; Laura Bell <lbell@bremerwhyte.com>; Mark Fields <fields@markfieldslaw.com>; Patrick Au <pau@bremerwhyte.com>; Peter Crossin <PCrossin@veatchfirm.com>; Peter Haven (Alt) <peter@havenlaw.com>; Richard P. Dieffenbach <RDieffenbach@veatchfirm.com>; Robert Cooper <rcooper@buchalter.com>; Rob Mackey <RMackey@veatchfirm.com>; Samantha Wolff <SWolff@hansonbridgett.com>; Tera Lutz <Tera.Lutz@lewisbrisbois.com>; Thomas M. Phillips <tphillips@thephilipsfirm.com>; Tyson M. Shower <TShower@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Song, Jacob <Jacob.Song@KutakRock.com>
Cc: Arlene Black <ABlack@veatchfirm.com>; Christina Rodriguez <crodriguez@veatchfirm.com>
Subject: Spencer v. Lunada Bay Boys

Dear Counsel:

Please be advised that Mr. Taloa was served with a subpoena for appearance at deposition for the date of January 5, 2017, at my office. Attached is the deposition notice associated with that date and time. The notice will be served by mail today.

Please advise if you intend to attend and if your appearance will be in person or telephonically. Please also include Ms. Black and Ms. Rodriguez on any replies to this email.

Sincerely,

John P. Worgul, Esq.
Associate Attorney
Veatch Carlson, LLP
1055 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90017
(213) 381-2861 Office
(213) 383-6370 Fax

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EXHIBIT 4

Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

HansonBridgett

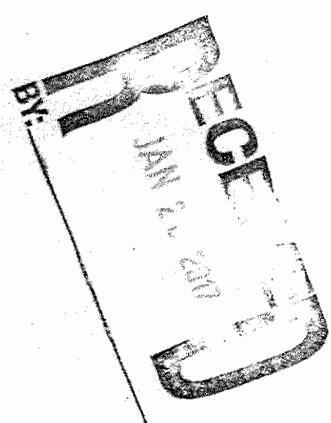
Robert T. Mackey
Peter H. Crossin
Richard P. Dieffenbach
John P. Worgul
John E. Stobart
VEATCH CARLSON, LLP
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Los Angeles, CA 90017

EXHIBIT 5



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